

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

Pick and Pay Hyper, Inc.
d/b/a Cili Minerals, Inc.

Civil Action No. 05-2222

Judge Tucker L. Melançon

versus

Magistrate Judge Mildred E. Methvin

Sunrise Trading Co.

JUDGMENT

This matter came up for an on-the-record hearing on November 14, 2006, during which the Court considered the Motion for Judgment by Default filed by plaintiff, PICK AND PAY HYPER, INC. d/b/a CILI MINERALS, INC. (hereinafter "CILI MINERALS"), against defendant, SUNRISE TRADING COMPANY, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure. After considering the Motion for Judgment by Default, the documents submitted in support thereof and the testimony adduced, for oral reasons assigned in open court, it is the finding of the Court that:

1. The default of SUNRISE TRADING COMPANY was entered by the Court on June 15, 2006.
2. SUNRISE TRADING COMPANY is not a minor or an incompetent person.

3. SUNRISE TRADING COMPANY did not appear in this action.

4. CILI MINERALS has established the following:

- (a) CILI MINERALS manufactures and sells a number of health-related products, including a product that consists of a low concentration of pure Indium in its mono-atomic ionic state.
- (b) SUNRISE TRADING COMPANY, through its attorney, John R. Carr, sent a letter to CILI MINERALS dated November 7, 2005, in which SUNRISE TRADING COMPANY claimed to be the “exclusive licensee of any and all rights under United States Patent No. 6,007,847, for the use and oral administration of nutritional indium as a nutritional supplement.”
- (c) All of the independent claims in U.S. Patent No. 6,007,847, including Claims 1, 13, 14, and 15, define a “method of administering *indium sulfate* for supplementing human nutrition.”
- (d) None of the products manufactured and distributed by

CILI MINERALS consist of a “method of administering *indium sulfate* for supplementing human nutrition,” or any equivalent thereof.

- (e) CILI MINERALS has not infringed any claim of U.S. Patent No. 6,007,847 and has not willfully induced others to infringe U.S. Patent No. 6,007,847.

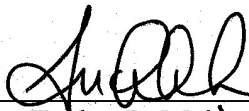
THEREFORE, IT IS ORDERED that default judgment be entered against the defendant, SUNRISE TRADING COMPANY, as follows:

- (1) that no claim of U.S. Patent No. 6,007,847 is or has been infringed by CILI MINERALS and that CILI MINERALS has not willfully induced others to infringe U.S. Patent No. 6,007,847;
- (2) that SUNRISE TRADING COMPANY, its officers, agents, directors, servants, employees, subsidiaries, assignees, and all those acting under the authority of or in privity with them or with any of them who receive actual notice of injunction, are permanently enjoined from asserting or otherwise seeking to enforce U.S. Patent No. 6,007,847 against CILI MINERALS in connection with CILI MINERALS’ manufacture, sale, and/or use of the product that consists of a

low concentration of pure Indium in its mono-atomic ionic
state;

- (3) that CILI MINERALS be awarded its reasonable
attorneys' fees, costs and expenses of this action in the amount
of \$8,470.00

Thus done and signed in Lafayette, Louisiana this 20th day of November, 2006.

A handwritten signature in black ink, appearing to read "Tucker L. Melançon", is written over a horizontal line.

Tucker L. Melançon
UNITED STATES DISTRICT JUDGE